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May 22, 2023

By Electronic Case Filing

The Honorable Jennifer L. Rochon
United States District Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, New York 10007

Re: *Local No. 171 Pension Fund v. Biehl Cleaners, Inc. et al.*
1:22-cv-02133-JLR

Dear Judge Rochon:

We represent Plaintiff in the above referenced action.

We write, with the consent of counsel for Defendants, in accord with today's Order, to respectfully request that the bankruptcy stay apply to the Delbert M. Stone Revocable Trust as well.

We thank the Court for its consideration of this matter.

Respectfully Submitted,

/s/ Michael S. Adler
Michael S Adler

cc: Edward F Sutkowski, Esq. (via ECF)
Timothy J. Cassidy, Esq. (via ECF)


The request to stay the proceedings against non-debtor Defendant Trust is GRANTED. While a suit against a debtor's co-defendant is not generally stayed by the debtor's bankruptcy filing, a court may stay a proceeding against the non-debtor if a claim against the non-debtor will have an immediate adverse economic consequence for the debtor's estate." *Queenie, Ltd. v. Nygard Int'l*, 321 F.3d 282, 287 (2d Cir. 2003). In light of the fact that the parties consent to staying the proceedings against the Trust, and in light of the fact that the Complaint alleges that the Trust is only party to the suit nominally -- that is, the owners of Defendant Biehl Cleaners Inc., owned that corporation in their individual capacity and through the Trust -- the Court exercises its discretion to stay the proceedings against the Trust as well. The parties shall update the Court as to the status of the case no later than **October 30, 2023**, or within 7 days of the lifting of the bankruptcy stay, whichever is earlier. All scheduled deadlines and proceedings are adjourned without date.

The Clerk of Court is respectfully directed to terminate the motions pending at ECF Nos. 62 and 65.

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Dated: May 22, 2023
New York, New York

SO ORDERED.


JENNIFER L. ROCHON
United States District Judge